

PENDING LEGISLATION REGARDING ELECTRICITY TRANSMISSION LINES  
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SUBMITTED TO THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

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Thank you for this opportunity to comment with respect to S. 539, the proposed *Clean Renewable Energy and Economic Development Act*. While I am supportive of the overall goals of this legislation, especially with respect to its efforts to spur the development of a robust transmission system that will bring renewable sources of energy to market, I am nevertheless troubled by certain aspects of the proposed bill. Specifically, I respectfully hope that you will reconsider the dramatic changes which would occur relative to jurisdiction involving the siting of electric transmission infrastructure.

A review of the measures related to the proposed shift in electric transmission siting authority demonstrates that the proposed changes will provide for both an unwarranted and unwise move from local decision making and citizen input.

Under Section 216 of the Federal Power Act (FPA), the Federal Energy Regulatory Commission (FERC) already has backstop authority for siting interstate transmission projects that are needed to meet federally enforceable reliability standards, or to address major transmission system bottlenecks. This is appropriate; few would argue that the federal government must be empowered to step in when states do not act in a reasonable timeframe in matters involving system reliability or significant transmission system inefficiencies.

The draft legislation proposed by Senator Bingaman, however, grants FERC exclusive siting authority for all “high priority national transmission projects,” thereby usurping state authority to review, site and certificate projects within their jurisdiction, and most importantly preempts those voices of reason in all localities whose knowledge of their communities is invaluable.

States have extensive expertise in the siting and construction of electric transmission facilities. Mere consultation with the states on strictly local matters such as habitat protection, environmental considerations or cultural site protection is inadequate to address the true concerns of our communities and our citizens, especially when, as proposed, recommendations on these matters can be preempted by FERC to the detriment of the state’s welfare.

Resource planning and availability has been traditionally and appropriately, a local matter. For a multitude of reasons, states are better equipped to address, and should retain, primary siting authority. Accordingly, I recommend that any expansion of FERC’s jurisdiction be strictly limited to interstate transmission for the purpose of interconnecting new renewable energy generation where the state siting authority has rejected the transmission proposal, failed to act on it within eighteen months, or approved it with conditions that will frustrate the interconnection.

After all, experience demonstrates that our nation, economy, and ecology are best served when all stakeholders are accorded appropriate time, consideration, and respect. Such a collaborative system is more likely to produce results than lawsuits.